

22.123(455B) New units exemption.

22.123(1) Applicability. This rule applies to any new utility unit that serves one or more generators with total nameplate capacity of 25 MWe or less and burns only fuels with a sulfur content of 0.05 percent or less by weight, as determined in accordance with paragraph 22.123(4)"a."

22.123(2) Petition for written exemption. The designated representative, authorized in accordance with Subpart B of 40 CFR Part 72 as amended through July 30, 1993, of a source that includes a unit under subrule 22.123(1) may petition the department for a written exemption, or to renew a written exemption, for the unit from certain requirements of the acid rain program. The petition shall be submitted on a form approved by the department which includes the following elements:

- a. Identification of the unit.
- b. The nameplate capacity of each generator served by the unit.
- c. A list of all fuels currently burned by the unit and their percentage sulfur content by weight, determined in accordance with subrule 22.123(1).
- d. A list of all fuels that are expected to be burned by the unit and their sulfur content by weight.
- e. The special provisions in subrule 22.123(4).

22.123(3) Department's action.

a. The department will issue, for any unit meeting the requirements of subrules 22.123(1) and 22.123(2), a written exemption from the requirements of the acid rain program except for the requirements specified in this subrule, 40 CFR 72.2 through 72.7, and 40 CFR 72.10 through 72.13 as amended through November 22, 1994; provided that no unit shall be exempted unless the designated representative of the unit surrenders, and the administrator deducts from the unit's allowances tracking system account, allowances pursuant to 40 CFR 72.7(c)(1)(i) and (d)(1) as amended through November 22, 1994. The exemption shall take effect on January 1 of the year immediately following the date on which the written exemption is issued, in accordance with paragraph 22.123(3)"b"; provided that the owners and operators, and, to the extent applicable, the designated representative, shall comply with the requirements of the acid rain program concerning all years for which the unit was not exempted, even if

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such requirements arise, or must be complied with, after the exemption takes effect. The exemption shall not be a defense against any violation of such requirements of the acid rain program whether the violation occurs before or after the exemption takes effect.

b. In considering and issuing or denying a written exemption under paragraph 22.123(3)"a," the department will apply the permitting procedures in rules 22.135(455B) to 22.139(455B) by:

(1) Treating the petition as an acid rain permit application under such provisions;

(2) Issuing or denying a draft written exemption that is treated as the issuance or denial of a draft permit under such provisions; and

(3) Issuing or denying a proposed written exemption that is treated as the issuance or denial of a proposed permit under such provisions, provided that no provision under rules 22.135(455B) to 22.139(455B) concerning the content, effective date, or term of an acid rain permit shall apply to the written exemption or proposed written exemption under this rule.

c. A written exemption issued under this rule shall have a term of five years from its effective date, except as provided in paragraph 22.123(4)"c."

22.123(4) Special provisions.

a. The owners and operators of each unit exempted under this rule shall determine the sulfur content by weight of its fuel as follows:

(1) For petroleum or petroleum products that the unit burns starting on the first day on which the exemption takes effect until the exemption terminates, a sample of each delivery of such fuel shall be tested using ASTM methods ASTM D4057-88 and ASTM D129-91, ASTM D2622-92, or ASTM D4294-90.

(2) For natural gas that the unit burns starting on the first day on which the exemption takes effect until the exemption terminates, the sulfur content shall be assumed to be 0.05 percent or less by weight.

(3) For gaseous fuel (other than natural gas) that the unit burns starting on the first day on which the exemption takes effect until the exemption terminates, a sample of each delivery of such fuel shall be tested using ASTM methods ASTM D1072-90 and ASTM D1265-92; provided that if the gaseous fuel is delivered by pipeline to the unit, a sample of the fuel shall be tested, at least once every quarter in which the unit operates during any year for which the exemption is in effect, using ASTM method ASTM D1072-90.

b. The owners and operators of each unit exempted under this rule shall retain at the source that includes the unit the records of the results of the tests performed under subparagraphs 22.123(4)"a"(1) and (3) and a copy of the purchase agreements for the fuel under paragraph 22.123(4)"a," stating the sulfur content of such fuel. Such records and documents shall be retained for five years from the date they are created.

c. On the earlier of the date the written exemption expires, the date a unit exempted under this rule burns any fuel with a sulfur content in excess of 0.05 percent by weight (as determined in accordance with paragraph 22.123(4)"a"), or 24 months prior to the date the unit first serves one or more generators with total nameplate capacity in excess of 25 MWe, the unit shall no longer be exempted under this rule and shall be subject to all requirements of the acid rain program, except that:

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(1) Notwithstanding subrules 22.128(2) and 22.128(3), the designated representative of the source that includes the unit shall submit a complete acid rain permit application on the later of January 1, 1998, or the date the unit is no longer exempted under this rule.

(2) For purposes of applying monitoring requirements under rule 567-25.2(455B), the unit shall be treated as a new unit that commenced commercial operation on the date the unit no longer meets the requirements of subrule 22.123(1).

Description: Acid rain rules were submitted in conjunction with Title V rules.

[illegible]

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Description: This revision amended paragraph 22.123(3)a by changing the date July 30, 1993 to November 22, 1994 and deleted reference to administrative appeal.

[illegible]

Difference Between the State and EPA-Approved Regulation

None.